



**US Army Corps
of Engineers**

DELEGATIONS

Real Estate

LINDA GARVIN
Chief, Real Estate
Community of Practice
November 2004

One Corps Serving The Army and the Nation



US Army Corps
of Engineers

Presentation

- Why do we need new Delegations?
- Current Delegations - overview
- Proposed Delegations
- Certification Process
- Continuous Learning Requirements
- Real Estate Delegations – 3 Levels



US Army Corps
of Engineers

Why do we need new delegations?

- Provide clear, concise, unambiguous delegations
- Reaffirm delegations under USACE organizational changes
- Implement Qualified, Named Individual concept
 - Provide more oversight over qualifications
 - Greater control of technical qualifications
 - Continuing Learning and Individual Development Plans
 - Career Development



US Army Corps
of Engineers

Why do we need new delegations?

- Delegations are foundation for:
 - efficient, trained and capable Real Estate core of employees
 - revisions to Army Regulations and Engineer Regulations



US Army Corps
of Engineers

Current Delegations – General Overview

- SecArmy has delegated authority to execute various real estate actions and documents
 - Covering the life cycle of the Army's real property assets and the supporting business processes
 - acquisition of interest in land, management of title, granting use, and disposal.
 - for military installations and civil works projects
- USACE redelegated primarily through engineer regulations and memos



US Army Corps
of Engineers

Current Delegations – General Overview

- Civil Works - Chief of Engineers – from 1800's
- Military Staff function from Quartermaster to COE – 1941
- Delegations are a mix of Chief of Engineers; Cmdr, USACE; and Cmdr and Director of Real Estate
 - depending on the date on which they were issued
 - General Orders in effect at the time.
- Many Originals lost between Quartermaster and USACE – records are spotty - old copies difficult to read



US Army Corps
of Engineers

Proposed Delegations – Process

- AR 405-80, Management of Title and Granting of Use, 1997,
 - began a new way of delegating authority in the real estate area.
 - concise, clear delegations of authority to cover the entire business process
 - replaced a multitude of older delegations in one easy to obtain venue.
 - authority to redelegate based on new concept of qualified individuals and not just delegations to a position.
- AR 405 series continuing this process



US Army Corps
of Engineers

Proposed Delegations - Structure

- Incorporate organizational changes at HQ USACE:
 - SES, Realty Officer, now head of Real Estate Community of Practice, and Director of Real Estate (within Directorate of Military Programs)
 - provides policy and oversight of the real estate technical functions
 - execution of actions to DASA
 - Real Estate legal function now in USACE Office of Counsel directly supporting the RE mission.
- Delegations will clarify role and oversight of execution



US Army Corps
of Engineers

Proposed Delegation - Assumption

- Reaffirm the current level of delegated authority
 - Seeking increase disposal delegations to streamline process
- Allow redelegation to qualified individuals in HQ & real estate field offices of USACE.
- Uses DAWIA format – not DAWIA
 - Certification based on grade, training, experience
 - Continuing Learning requirements
 - Named individuals



US Army Corps
of Engineers

Certification Process - Overview

- Real Estate Certification steps
 - Identified as a Real Estate position
 - Individual:
 - completes a *Career Record Brief*
 - Prepare an *Individual Development Plan (IDP)*.
 - *Apply* to Technical Panel for Certification
 - Certified individual is eligible for Delegation when in applicable position
 - New employee follows same steps
 - Once certified, individual must complete a minimum of 80 CL points every **two** years.



US Army Corps
of Engineers

Certification Process – *Career Record Brief*

- Individual prepares a *Career Record Brief*
 - one-page display of pertinent real estate info.
 - personal data: position, training, education, awards, certifications and assignment information.
 - tool to manage career updated at least annually
 - Use form similar to DAWIA



US Army Corps
of Engineers

Certification Process – *Individual Development Plan*

- Prepare an *Individual Development Plan (IDP)*.
- DA already requires an IDP as part of annual TAPES process
 - A 5-year plan that outlines education, training, and experience goals.
 - Determine and define career goals and objectives in concrete terms both in the short term and the long term.
 - Work with supervisor and agree on a plan.
 - Document the desired education, training or experience on IDP, approved by supervisor.
 - Document continuous learning requirements



US Army Corps
of Engineers

Certification Process – *Apply for Certification*

- *Career Record Brief* and *IDP* submitted to designated Real Estate Technical Qualifying Panel
 - District Panel for Level 1
 - Division Panel for Level 2
 - HQ level for Level 3
- Certified as meeting qualification
 - not a delegation
 - Can be certified in order to apply to a positions



US Army Corps
of Engineers

Real Estate Delegation Process

- Once certified, then can apply for *Certificate of Delegation*
 - for appropriate Real Estate functional area and level
 - per position held
- Delegation authorized by
 - District Chief of Real Estate – Level 1
 - Division Chief of Real Estate/Senior Realty Specialist – Level 1 and 2
 - Chief, Real Estate Community of Practice – Level 3



US Army Corps
of Engineers

Continuous Learning (CL) Requirements

- Once certified, individual must complete a minimum of 80 CL points every **two** years.
- Attainment of CL points may be earned, in the year completed, by:
 - Academic Courses - 10 pts per credit hour
 - Training Courses/Modules - 1 pt per hour of instruction
 - Professional Exam/License/Certificate - 10-30 pts
 - Teaching/Lecturing - 2 pts/hr; maximum of 20 points per year
 - Symposia/Conference/Workshop Presentations - 2 pts/hr; max 20 points/ year
 - Workshop Participation - 1 pt/hr; max 8 pts/day & 20 pts/ year
 - Symposia/Conference Attendance - 0.5 pt/hr; max 4 pts/day & 20/yr
 - Publications - 10 to 40 points
 - Participation in Professional Organization - 5 pts (extra 5 pts for holding office or participation in committee)
 - Special details or developmental program - 10 points per week, max 80 pts
- Include in IDP to document continuous learning.



**US Army Corps
of Engineers**

Real Estate Delegation

- Three Levels of Certificate of Delegation in Real Estate functional areas
 - Level 1 - Specific Purpose with Dollars or Term Limitations
 - Level 2 - Broader functional area with Dollars/ Term Limitations
 - Level 3 - General Delegation – only limit is actions that have to go to DASA
- Based on structure used in DAWIA FE levels



US Army Corps
of Engineers

Real Estate Delegation – Caveats

- Qualifying Standards and Delegation to prepare and review appraisals is totally separate
- Appraisers can be delegated execution authority separate from their appraisal duties



**US Army Corps
of Engineers**

Real Estate Delegation

- Delegation can be rescinded/terminated by issuing official for:
 - failure to exercise sound business judgment,
 - failure to comply with law (real estate, fiscal, other); applicable regulations; or fraud
 - failure to maintain and document Continuous Learning (CL) Requirements
- Revocation can be appealed to applicable Real Estate Technical Qualifying Panel



US Army Corps
of Engineers

Qualifications – Level 1

- Individual must be assigned to a District Real Estate Division
 - Be classified as a Realty Specialist (GS-1170) or Appraiser (GS-1171)
 - Perform real estate duties
- Exception:
 - Installation DPW/real property officer, or Civil Works Project staff can be in other series and delegated limited actions under oversight of the District



**US Army Corps
of Engineers**

Qualifications – Level 1

- **Individual Level 1- Certificate of Delegation:**
 - Specific Purpose, e.g.:
 - District Realty Specialist/Appraiser may execute rights of entry, routine recruiting leases, bill of sale for building disposal, license, OR permit
 - CW Project or DPW/USP&FO, Reserve RRC persons limited to acq or grant of license or permit, up to 5-year term, no title opinion, appraisal or formal value estimate required and bill of sale for building disposal
 - Specific Dollars or Term Limitations, e.g. under \$100,000 or term up to 5 years
 - Approvals required by applicable AR or ER/EC and chop by Section Chief/Team Leader/person delegated higher level



**US Army Corps
of Engineers**

Qualifications – Level 1

△ **EXPERIENCE:**

- **One year** of real estate experience related to specific purpose of Certification Delegation.

△ **EDUCATION: (None Mandatory) Desired:**

- △ Baccalaureate degree from an accredited institution of higher learning in community planning, business or related field (real estate, accounting, law, business administration, mortgage or real estate finance, economics)
- 6 semester hours among: accounting, business finance (real estate or mortgage finance, appraisal) law, contracts, economics, marketing, marketing, quantitative methods, organization and management (business administration, program management, land management, forestry).
- A person may hold more than one Level 1



US Army Corps
of Engineers

Qualifications – Level 1

■ **TRAINING:**

- Basic PROSPECT Course in subject area of delegation, e.g. RE ACQ 101, RE M&D 101
- Basic Real Estate principles course, e.g. IRWA, college, private vendor, Appraisal Institute
- Desired:
 - 6 semester hours among: accounting, business finance (real estate or mortgage finance, appraisal) law, contracts, economics, marketing, marketing, quantitative methods, organization and management (business administration, program management, land management, forestry).
 - (These semester hours can be a part of those earned for the Baccalaureate degree.)



Qualifications – Level 1

■ **Retain Delegation:**

- *Certificate of Delegation* void when reassigned
 - Certification by Real Estate Technical Qualifying Panel still valid
 - New Delegation may be issued based on new position
- Sunset term – no more than 5 years – can be renewed after review of qualifications
- Maintain and document annual *Continuing Learning* requirements



US Army Corps
of Engineers

Qualifications – LEVELS 2 and 3

- Individual must be assigned to HQ USACE, an MSC or District Real Estate Division
 - Be classified as a Realty Specialist/Appraiser
 - Perform real estate duties
 - Certificate of Delegation void when reassigned from the Real Estate duties
 - Annual Continuing Education requirements



US Army Corps
of Engineers

Qualifications – Level 2

- **Individual Level 2 Certificate Delegation:**
 - Purpose: broader functional area, e.g. acquisition, management of title, outgrant, disposal
 - Actions not authorized at Level 2, e.g. outgrants which require a waiver of competition; disposal of fee; actions that have to go to DASA
 - Specific Dollars/ Term Limitations, e.g. acq. w/i 10% of approved appraisal, lease for 5-year term, A&G lease for 10-year term, easements, no Title 10 report required
 - Approvals required by applicable AR or ER/EC, e.g. Acq. Project, Availability, Disposal Report
 - May be made progressive by grade or position



US Army Corps
of Engineers

Qualifications – Level 2

△ EXPERIENCE:

- Two years of progressively complex real estate experience related to the functional area of the Certification Delegation.
- Desired: an additional 2 years

△ EDUCATION: (None Mandatory) Desired:

- **Baccalaureate degree** from an accredited institution of higher learning in community planning, business or related field (real estate, accounting, law, business administration, mortgage or real estate finance, economics)
- **9 semester hours** among: accounting, business finance (real estate or mortgage finance, appraisal) law, contracts, economics, marketing, marketing, quantitative methods, organization and management (business administration, program management, land management, forestry). (These semester hours can be a part of those earned for the Baccalaureate degree.)



US Army Corps
of Engineers

Qualifications – Level 2

■ TRAINING:

- Met Level 1 training requirements
- Advanced PROSPECT Course in subject area or Instructor
- Certification in a Program Area, e.g. IRWA Relocation Specialist OR continued general real estate training
- Continued related training, such as environmental law and regulations, appraisal courses
- Desired:
 - **9 semester hours** among: accounting, business finance (real estate or mortgage finance, appraisal) law, contracts, economics, marketing, marketing, quantitative methods, organization and management (business administration, program management, land management, forestry).
 - (These semester hours can be a part of those earned for the Baccalaureate degree.)



US Army Corps
of Engineers

Qualifications – Level 3

GS 15 and up

- **Individual Level 3 Certificate Delegation:**
 - General Delegation:
 - Actions not authorized: actions that have to go to DASA
 - Annexation, Claims and Jurisdiction are Level 3 only.
 - Specific Dollar or Term limitations: none
 - Approvals required by applicable AR or ER/EC, e.g. Availability, Disposal Report, Acq. project; higher level if controversial; T-10 Report
 - Primarily will be limited to Division or District Chief of Real Estate; HQ Realty Specialist/Appraiser



**US Army Corps
of Engineers**

Qualifications – Level 3

△ **EXPERIENCE:**

- **Four years of general RE experience in more than one functional area of the Certificate of Delegation**
- **Desired: 4 years experience in positions of increasing responsibility and complexity and 3 years in leadership positions, e.g. team leader, branch chief, section chief**

△ **EDUCATION:** (none mandatory) Desired:

- **Baccalaureate degree** – see Level 2
- **12 semester hours** - see Level 2
- **Advanced degree**



US Army Corps
of Engineers

Qualifications – Level 3

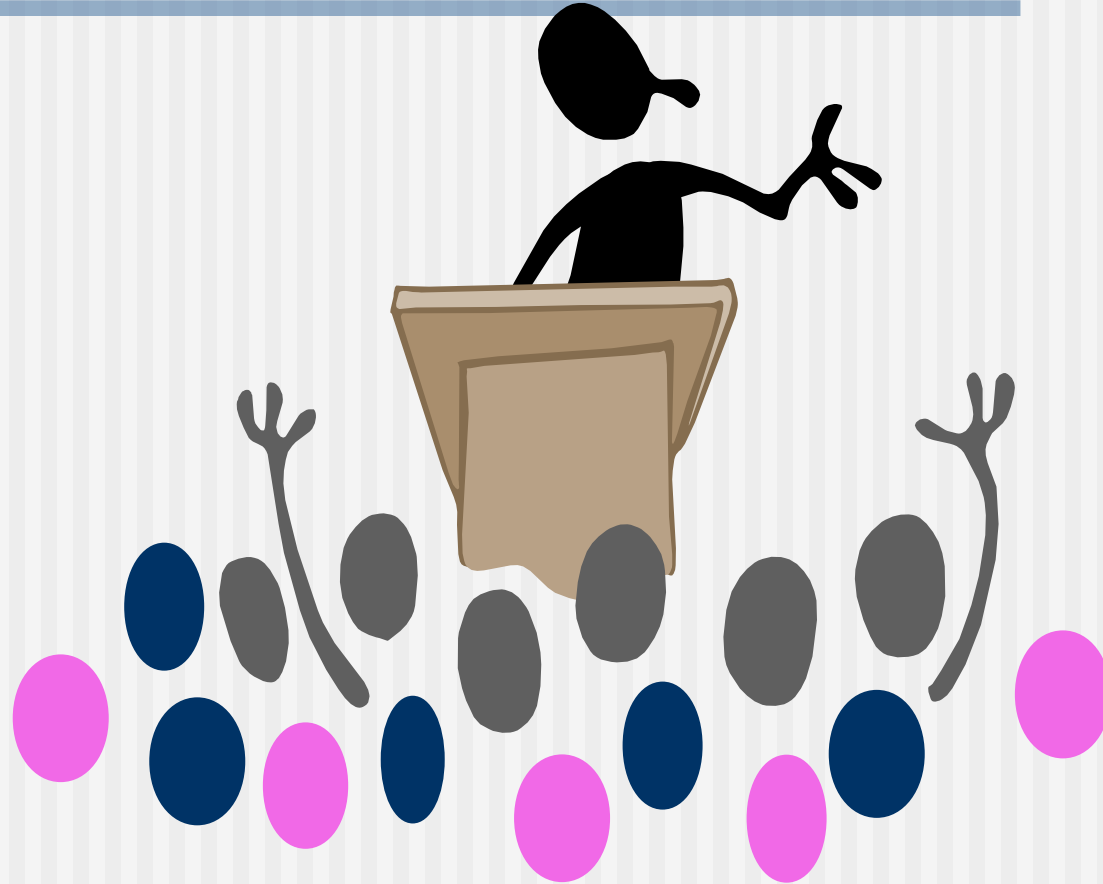
■ TRAINING:

- Met Level 1 and 2 training requirements
- Additional advanced PROSPECT Courses or Instructor
- Additional Certification in a Program Area OR continued real estate training
- Desired:
 - **6 advanced semester hours** among: accounting, business finance (real estate or mortgage finance, appraisal) law, contracts, economics, marketing, marketing, quantitative methods, organization and management (business administration, program management, land management, forestry).
 - **(These can be part of an advanced degree)**



**US Army Corps
of Engineers**

Questions ?





**US Army Corps
of Engineers**

Background

Details of past
delegations



US Army Corps
of Engineers

Current Delegations - Acquisition

- Execute real estate acquisition
 - Civil Works – 1888
 - Military – 1942
- Accept local assurances – 1947/72
- Approve settlements & awards in Condemnation – 1954
- Reserve facilities – acquire and expend \$ - 1959
- Leaseholds – various



US Army Corps
of Engineers

Current Delegations – Acquisition - conti

- Action under Land Acq Policy Act of 1960 – Title 33, Section 12 - 1962
- Actions under Uniform Relocation Assistance and Real Property Acq Policies Act (URARPAP), Title 49 _____ – which recinded some of Title 33, formerly called PL 91-646
- 801 and 802 Housing
- Approve Options for MILCON – 10 USC 2677 – 1988
- Execute request for Condemnation - 2003



US Army Corps
of Engineers

Current Delegations - Overseas

- Acquire Family Housing leases – 1984/88
- Specific delegations for contingency operations



US Army Corps
of Engineers

Current Delegations – Manage Title/ Outgrant

- AR 405-80 –
 - set approval levels for availability determination
 - delegated execution authority to USACE
- Consent to mineral leasing by BLM



US Army Corps
of Engineers

Current Delegations - Disposal

- Civil Works - 1889
- AR 405-90, Disposal
- Convey Port & Industrial sites - 1961
- Convey Cottage sites - 1962
- Deeds of correction
- Deeds for under \$1,000 (based on GSA delegation - limit increased to \$50,000)
- Deeds at individual projects - various
- Deeds for land acquired for Local sponsor - 2004



US Army Corps
of Engineers

Proposed Delegation -Appraisal

- Appraisal is an integral part of overall real estate mission but no separate delegation
- Increased requirements and qualification:
 - DOJ's Uniform Appraisal Standards for Federal Land Acquisitions;
 - Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), 12 U.S.C. 1811, et seq
 - Uniform Relocation Assistance and Real Property Acq Policies Act (URARPAP), 42 U.S.C. 4601, et seq
 - Uniform Standards of Professional Appraisal Practice (USPAP); and
 - Chief Financial Officers Act.
- Recognize Importance